

## Tribal leaders see benefit to new law on sentencing

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**NESPELEM** — A new federal law lets tribal judges hand down longer sentences, and assures help from federal prosecutors when more serious crimes are committed on American Indian reservations, local tribal officials say.

Those are just a few of the provisions in the Tribal Law and Order Act of 2010 that are designed to provide more effective crime control on the Colville Indian Reservation, and reservations across the country.

The changes won't be sweeping, said Colville Tribal Police Chief Matt Haney. But they do give tribal police more hope that major crimes will not go unpunished, he said.

"It's a step. A step in the right direction," Haney said.

The law passed both houses of Congress this summer, and President Barack Obama signed it into law on July 29.

Colville Tribal Chairman Michael Finley and Councilman Brian Nissan were there to witness it.

Before it passed, Nissan and Haney both testified about growing problems of gangs and drugs on the reservation, and the critical need to address growing violence on the reservation.

"It's time to take back our communities from gangs and their criminal activities. The new law will be another weapon for tribes in this fight," Nissan said in a prepared statement released by the Colville Tribes.

Finley said the law will help tribes collaborate with federal, state and local law enforcement. It also increases from one year to three years the penalties that can be imposed in Tribal courts. Tribal judges can now sentence someone up to nine years in prison, when they're convicted of three separate charges.

Before the law, tribal judges could only sentence someone to a maximum of one year for each charge.

"Our hands have been tied for so long, for not being able to sentence for longer periods of time," Finley said. "It hasn't been beneficial, because we can't truly punish someone based on the severity of a crime. But now we can," he said.

The law still does not allow tribal courts to charge non-tribal members when they've committed a crime on an American Indian reservation, he said. That has also been a problem in cases when state or federal courts decline to prosecute them.

Finley said he hopes that will change, after tribes show their courts are as fair and impartial as other courts.

The bill also reauthorizes law and justice programs to fight gangs, drug activity and violent crime on Indian reservations

Haney said he's particularly pleased about a provision mandating U.S. Attorneys to assign a special assistant U.S. Attorney to prosecute reservation crimes in federal courts.

He said the FBI was already mandated to investigate major crimes on American Indian reservations, and federal agents have always responded when he's requested their help. But the U.S. Attorney's Office has declined to prosecute many of the major crimes that have occurred on the Colville Indian Reservation, including some murder cases, he said. "A case gets filed and it sort of disappears," he said.

If the U.S. Attorney declines to prosecute, the only option then left to the tribe is to prosecute the crime in tribal court. "So a person who killed someone else is facing a one-year sentence," he said.

Haney said he's hopeful that having a federal attorney assigned to prosecute crimes that occur on reservations will result in more cases brought to federal court, where longer sentences can be imposed.

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